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June 22, 2007

BY E-Filing and Hand Delivery

The Honorable Sue L. Robinson
United States District Court
844 North King Street, Room 4209
Lock Box 31
Wilmington, DE 19801

**RE: *Northeast Controls, Inc. v. Fisher Controls International, Inc.*,
D-Del., Civ. A. No. 06-412 SLR**

Dear Judge Robinson:

Under the current *Scheduling Order*, (D.I. # 16), discovery is scheduled to conclude on October 19, 2007, with Plaintiffs' experts' reports due by July 20, 2007, and Defendant's experts reports due by September 20, 2007.

With those dates in mind, the Parties scheduled a mediation before Magistrate Judge Thyng for Tuesday, June 26, 2007, (D.I. # 20), so that the Parties could explore the possibility for a mediated resolution prior to incurring the significant experts' fees which will accompany development of the highly technical proofs involved in prosecuting and defending the discrete facts related to claims and counterclaims in this matter.

On Friday, June 8th, Magistrate Judge Thyng advised that she needed to reschedule the June 26th mediation, and the Court confirmed today that the mediation will be held on August 15, 2007.

By this correspondence, the Parties join in requesting the Court's leave for a two month extension to the discovery and case dispositive motion deadlines stated within the *Scheduling Order*, (D.I. # 16), which additional time should allow the Parties to focus in the near term on achieving a mediated resolution without incurring additional fees and costs related to discovery which will be necessitated should the original deadlines remain in place.

Should Your Honor grant this request, Counsel will prepare a form of order extending the deadlines as follows (the paragraph references are to the *Scheduling Order*):

¶2(b) All discovery shall be commenced in time to be completed by **December 19, 2007**;

¶2(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by **September 20, 2007**. Rebuttal expert reports due by **November 20, 2007**.

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The Honorable Sue L. Robinson

June 22, 2007

Page 2

¶5 **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before **January 5, 2008**. Briefing shall be pursuant to D. Del. LR 7.1.2.

Under D. Del. LR 7.1.2, answering briefs would be due by January 15, 2008, and reply briefs by January 20, 2008. The *Scheduling Order* provides for motions in limine to be filed by January 22, 2008; the pre-trial conference for February 5, 2008; and trial to commence on February 19, 2008.

Consequently, the Parties await the Court's guidance as to whether such an abbreviated schedule for the conclusion of discovery, summary judgment briefing and pre-trial matters, if required, can be accommodated by Your Honor.

Both Northeast Controls, Inc. and Fisher Controls International, Inc., are committed to pursuing mediation in good faith, and the Parties joined in specifically requesting a new date for the mediation conference at Judge Thyng's earliest opportunity.

Should these changed circumstances require changes to the dates proposed or further modifications to paragraphs 7-9 of the *Scheduling Order* to allow for Your Honor's deliberations on same, the Parties are available at the Court's convenience to make such revisions as are necessary.

Respectfully submitted,

/s/Joseph Scott Shannon

Jos. Scott Shannon, Esquire (Del. Bar I.D. No. 3434)

JSS/

cc: Patrick McVey, Esquire
Paul A. Bradley, Esquire
Daniel Gunter, Esquire
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